mÙkj in'k lokdky e eer ljdkjh lodk dk vkfJrk dh Hkrh fu;ekoyh] 1974

Hkkjr dk lfo/kku dk vuPNsn 309 dk ijUrqd }kjk çnÙk 'kfDr;k dk rFkk rnFk leLr vU; leFkdkjh 'kfDr;k dk ç;kx djdj] jkT;iky lokdky e eer ljdkjh lodk dk vkfJrk dh Hkrh dk fofu;fer dju dk fy;s fuEufyf[kr fo'k"k fu;ekoyh cukrh gS %&

1- lf{kIr uke rFkk izkjEHk&¼1½ ;g fu;ekoyh mÙkj çn'k lokdky e eer ljdkjh lodk dk vkfJrk dh Hkrh fu;ekoyh] 1974 dgyk;xhA

¼2½ ;g 21 fnlEcj] 1973 ls izoÙk le>h tk;xhA

2- ifjHkk"kk;s&tc rd fd lnHk ls vU;Fkk vif{kr u gks] bl fu;ekoyh e&

¼d½ ^^ljdkjh lod dk rkRi;** mÙkj in'k dk;dyki dk lEcU/k e lok;kftr ,ls ljdkjh lod ls gS] tk&

¼1½ ,ls lok;ktu e LFkk;h Fkk; ;k

¼2½ ;|fi vLFk;h gS rFkkfi ,ls lok;ktu e fu;fer :i ls fu;Dr fd;k x;k Fkk; ;k

¼3½ ;|fi fu;fer :i ls fu;Dr ugh gS rFkkfi ,ls lok;ktuk e fu;fer fjfDr e rhu o"k dh fujUrj lok dh gA

Li"Vhdj.k&^^fu;fer :i ls fu;fDr** dk rkRi;s ;FkkfLFkr] in ;k lok e Hkrh dk fy;s vf/kdfFkr çfØ;k dk vuqlkj fu;Dr fd;s tkus ls gA

¼k½ ^^eer ljdkjh lod** dk rkRi;s ,ls ljdkjh lod ls gS ftldh eR;s lok e jgrs gq, gks tk;A

¼x½ ^^dVEc** dk vUrxZr eer ljdkjh lod dk fuEufyf[kr lEcU/kh gksx%&

¼1½ iRuh ;k ifr;

¼2½ iq=;

¼3½ vfookfgr ifq=;k rFkk fo/kok ifq=;kA

¼?k½^^dk;ky; dk ç/kku** dk rkRi;s ml dk;ky; dk ç/kku ls gS ftl dk;ky; e eer ljdkjh lod viuh eR;s dk iz lokjr FkkA

3- fu;ekoyh dk ykxw fd;k tkuk&;g fu;ekoyh mu lokvks vkj ink dk NkMdj tks mÙkj in'k ykd lok vk;x dk {k=kUrxZr vkrs gS] tks izo e mÙkj in'k v/khuLFk lok p;u vk;x dk {k=kUrxZr j[k fn;s x;s gS] mÙkj in'k dk dk;dykiks ls lEcfU/kr ykd lokvks e vkj ink ij eer ljdkjh lodk dk vkfJrk dh Hkrh ij ykxw gksxhA

4- bl fu;ekoyh dk v/;kjkgh iHkko&bl fu;ekoyh dk çkjEHk gksus dk le; çoÙk fdUgha fu;ek] fofu;ek ;k vkn'kk dk vUrZo"V fdlh çfrdy ckr dk gkrh gS;s Hkh ;g fu;ekoyh rFkk rn/khu tkjh fd;k x;k dkbZ vkn'k çHkkoh gksxkA

5- eerd dk dVEc dk fdlh lnL; dh Hkrh&¼1½ ;fn bl fu;ekoyh dk çkjEHk gksus dk i'pkr fdlh ljdkjh lod dh lokdky e eR;s gks tk;s vkj eer ljdkjh lod dk ifjokj ;k iRuh tSlh Hkh fLFkfr gks] dUæh; ljdkj] fdlh jkT; ljdkj] ;k dUæh; ljdkj ;k fdlh jkT; ljdkj dk LokfeRokèkhu ;k mlds }kjk

fu;f=r fdlh fuxe d vèkhu igyk l lok;kftr u gk rk mld dVEc d ,l ,d lnL; dk tk] dUæh; ljdkj ;k jkT; d vFkok dUæh; ljdkj ;k jkT; ljdkj d LokfeRok/khu ;k mld }kjk fu;f=r fdlh fuxe d v/khu igyk l lok;kftr u gk] bl ç;kstu d fy, vkonu dju ij Hkrh d lkekU; fu;ek dk f'kfFky djr g,] ljdkjh lok e fdlh in ij] ,l in dk NkMdj] tk mÙkj in'k ykd lok vk;kx d {k=kUrxr gk] mi;qDr lok;kstu çnku fd;k tk;xk] ;fn ,slk 0;fDr&

¼,d½ in d fy, fofgr 'kf{kd vgrk,a ijh djrk gk;

¼nk½ ljdkjh lok d fy, vU;Fkk vg gk; vkj

¼rhu½ ljdkjh lod dh eR; d fnukd l ikp o"k d Hkhrj lok;kstu d fy, vkonu djrk g

ijUrq tgk jkT; ljdkj dk ;g lek/kku gk tk;s fd lok;kstu d fy, vkonu dju d fy, fu;r le; lhek l fdlh fof'k"V ekey e vufpr dfBukbk gkrh g] ogk og vi{kkvk dk] ftUg ekey e U;k; lxr vkj lkE;i.k jhfr l dk;okgh dju d fy, vko';d le>] vfHkeDr ;k f'kfFky dj ldrh gA

¼2½ ,slk lok;kstu] ;Fkk lHko] mlh foHkkx e fn;k tkuk pkfg, ftle e'r ljdkjh lod viuh eR; d le; lok;kftr FkkA

5- ¼d½ eb] 1973 e'r ifyl ihO,OlhO dkfe'dk d vkfJrk dh Hkrh&fu;e 5 d fdlh vU; fu;e e fdlh ifrdy ckr d gkr g, Hkh] bl fu;ekoyh d micU/k ifyl o ikfofU'k;y vkEMdkUlVcyjh d ,l ckbl dkfe'dk d ftudh eR; eb 1973 e g, miæo d ifj.kkeLo:i gb Fkh] dVEc d lnL; d ekey e mlh idkj ykx gkx ftl idkj o bl fu;ekoyh d ikjEHk gku d i'pkr lokdky e e'r ljdkjh lod d ekey e ykx gkr gA

6- lok;kstu d fy, vkonu&i= dh fo"k; oLr&bl fu;ekoyh d v/khu fu;fDr d fy, vkonu&i= ftl in ij fu;fDr vfHkykf"kr g] ml in l lEcfU/kr fu;fDr çkf/kdkjh dk lEckf/kr fd;k tk;xk] fdUrq og ml dk;ky; d ç/kku dk Hkstk tk;xk] tgk e'r ljdkjh lod viuh eR; d io dk; dj jgk FkkA vkonu&i= e] vU; ckrk d lkFk&lkFk fuEufyf[kr lpuk nh tk;xh %&

¼d½ e'r ljdkjh lod dh eR; dk fnukd] og foHkkx tgk vkj og in ftl ij og viuh eR; d io lok dj jgk Fkk;

¼[k½ e'rd d dVEc d lnL;k d uke] mudh vk; rFkk vU; C;kj fo'k"kr;k mud fookg] lok;kstu rFkk vk; lEcU/kh C;kj;

¼x½ dVEc dh foÙkh; n'kk dk C;kjk; vkj

¼?k½ vkond dh 'kf{kd rFkk vU; vgrk,a ;fn dkbZ gkA

7- çfØ;k tc dVEc d ,dkf/kd lnL; lok;kstu pkgr gk&;fn e'r ljdkjh lod d dVEc d ,dkfèkd lnL; bl fu;ekoyh d v/khu lok;kstu pkgr gk rk dk;ky; dk ç/kku lok;kftr dju d fy, 0;fDr dh mi;qDrrk dk fuf'pr djxkA leLr dVEc fo'k"kr;k mldh fo/kok rFkk vo;Ld lnL;k d dY;k.k d fufer mld lEi.k fgr dk Hkh /;ku e j[kr g, fu.k fy;k tk;xkA

8- vk; rFkk vU; vi{kkvk e f'kfFkyrk&¼1½ bl fu;ekoyh d v/khu fu;fDr pkgu oky vH;Fkh dh vk; fu;fDr d le; vVBkjg o"k l de ugh gkuh pkfg,A

¼2½ p;u d fy, çfØ;k lEcU/kh vi{kkvk l] ;Fkk fyf[kr ijh{kk ;k p;u lfefr }kjk lk{kRdkj l eDr dj fn;k tk;xk] fdUrq vH;Fkh in fo"k;d çR;kf'kr dk; rFkk n{krk d U;ure Lrj dk cuk; j[kxkA bl ckr dk lekèkku dju d mnn'; l vH;Fkh dk lk{kRdkj dju d fy, fu;fDr çkf/kdkjh Lok/khu gkxkA

¼3½ bl fu;ekoyh d v/khu dkbZ fu;fDr fo|eku fjfDr e dh tk;xh] ifrcU/k ;g g fd ;fn dkbZ fjfDr fo|eku u gk] rk fu;fDr rjUr fdlh ,l vf/kl[;d in d ifr dh tk,xh] ftl bl i;kstu d fy, lftr fd;k x;k le>k tk;xk vkj og rc rd pyxk] tc rd dkbZ fjDr in miyC/k u gk tk;A

9- lkekU; vgrkvk d lEcU/k e fu;fDr ikf/kdkjh dk lek/kku&fdlh vH;Fkh dk fu;Dr dju d io fu;fDr çkf/kdkjh viuk ;g lek/kku djxk fd&

¼d½ vH;Fkh dk pfj= ,slk gs fd og ljdkjh lsok es lsok;ksa tu d fy, lHkh çdkj l mi;qDr gS]

fVli.kh&l?k ljdkj ;k fdlh jkT; ljdkj vFkok dUæh; ljdkj ;k jkT; ljdkj d LokfeRok/khu ;k mld }kjk fu;af=r fdlh fuxe }kjk inP;qr 0;fDr lsok es fu;qfDr d fy, ik= ugh le>s tk;sxA

¼[k½ og ekufld rFkk 'kkjhfjd :i ls LoLFk gs vkj fdlh ,slh 'kkjhfjd nk"k ls eDr gs ftud dkj.k mld }kjk viu dr0;ksa dk n{krkiw.k ikyu djus es ck/kk iMus dh lEHkkouk gks rFkk bl ckr d fy, vH;Fkh ls ml ekeys es ykxw fu;eksa d vuqkj lefpr fpfdRlk çkf/kdkjh d le{k mifLFkr gkus vkj LokLF; dk çek.k&i= çLrqr djus dh vi{kk dh tk;sxhA

¼x½ i#"k vH;Fkh dh n'kk es] mldh ,d ls vf/kd iRuh thfor u gks vkj fdlh efgyk vH;Fkh dh n'kk es] mlus ,sls 0;fDr ls fookg u fd;k gk] ftldh igys ls gh ,d iRuh thfor gkA

11- dfBukb;ksa dk nj djus dh 'kfDr&jkT; ljdkj] bl fu;eksyh d fdlh micU/k d dk;kZo;u es fdlh dfBukbZ dk ¼ftld fo|eku gkus d ckjs es og ,dek= fu.kkZ;d gk½ nj djus d ç;kstukFk dkbZ ,slk lekU; ;k fo'k"k vkn'k n ldrh gS ftls og mfpr 0;ogkj ;k ykdfgr es vko';d ;k lehphu le>sA

Øe l[;k&6
mÙkj izn'k 'kklu
dkfed vuHkkx&2

l[;k&6@12@73&dk&2@1993
y[kuÅ] fnukd % 16 vizy] 1993

vf/klwpuk

izdh.k

lfo/kku dk vuPNsn 309 dk ijUrqd }kjk çnÙk 'kfDr dk ç;ksx djds jkT;iky mÙkj izn'k lokdky e er ljdkjh lodk dh vkfJrk dh HkrhZ fu;ekoyh] 1974 e l'kks/ku djus dh nf"V ls fuEufyf[kr fu;ekoyh cukrs gS %&

mÙkj izn'k lokdky e er ljdkjh lodk dh vkfJrk dh HkrhZ ¼rrh; l'kks/ku½ fu;ekoyh] 1993

1&lf{kIr uke vkj izkjEHk&

¼1½ ;g fu;ekoyh mÙkj izn'k lokdky e er ljdkjh lodk dh vkfJrk dh HkrhZ ¼rrh; l'kks/ku½ fu;ekoyh] 1993 dgh tk;sxhA

¼2½ ;g rqjUr çoÙk gksxhA

2&fu;e&5 dk l'kks/ku&

mÙkj izn'k lokdky e er ljdkjh lodk dh vkfJrk dh HkrhZ fu;ekoyh] 1974 e uhp LrEHk&1 e fn;s x;s fu;e&5 dh LFkku ij LrEHk&2 e fn;k x;k fu;e j[k fn;k tk;sxk] vFkkr&

	LrEHk&1 ¼orZeku fu;e½	LrEHk&2 ,rn}kjk izfrLFkkfir fu;e
erd dh dVEc dh fdlh lnL; dh HkrhZ	;fn bl fu;ekoyh dh izkjEHk gksus dh i'pkr fdlh ljdkjh lod dh lokdky e eR; gks tk; rks mlds dVEc dh ,sls ,d lnL; dks tks dUæh; ljdkj ;k jkT; ljdkj dh vFkok dUæh; ljdkj ;k jkT; ljdkj dh LokfeRok/khu ;k mlds }kjk fu;f=r fdlh fuxe dh v/khu igys ls lok;kftr u gks] bl iz;kstu ds fy;s vkonu djus ij HkrhZ dh lkekU; fu;ekoyh dk f'kfFky djus gksxk] ljdkjh lok e mi;qDr lok;kstu ls inku fd;k tk;sxk tks jkT; ykd lok vk;ksx ds {ks=kUrxZr u gks] fdUrq ifrdwy ;g gksxk fd og lnL; ml in ds fy;s fofgr 'kS{kd vgZrk j[krk gks rFkk og vU; izdkj ls Hkh ljdkjh lok ds fy;s vgZ gksxk ,slh ukdjh vfoyEc vkj ;Fkk'kD; mlh foHkkx e nh tkuh pkfg;sA ftls erd ljdkjh lod viuh eR; izo lok;kftr FkkA	erd dh dVEc dh fdlh lnL; dh HkrhZ	5&¼1½ ;fn bl fu;ekoyh dh izkjEHk gksus ds i'pkr fdlh ljdkjh lod dh lokdky e eR; gks tk; rks mlds dVEc dh ,sls ,d lnL; dks tks dUæh; ljdkj ;k jkT; ljdkj dh vFkok dUæh; ljdkj ;k jkT; ljdkj dh LokfeRok/khu ;k mlds }kjk fu;f=r fdlh fuxe dh v/khu igys ls lok;kftr u gks] bl iz;kstu ds fy;s vkonu djus ij HkrhZ dh lkekU; fu;ekoyh dk f'kfFky djus gksxk] ljdkjh lok e mi;qDr lok;kstu ls inku fd;k tk;sxk tks jkT; ykd lok vk;ksx ds {ks=kUrxZr u gks] ;fn ,sls 0;fDr& ¼,d½ in ds fy;s fofgr 'kS{kd vgZrk j[krk gks] ¼nks½ vU; izdkj ls ljdkjh lok ds fy;s vgZ gks] vkj ¼rhu½ ljdkjh lod dh eR; ds fnukd ds ikp o"kZ ds Hkhrj lok;kstu ds fy;s vkonu djrk gks%
LrEHk&1 ¼orZeku		

LrEHk&2

,rn}kjk ifrLFkkfir fu;e

ijUrq tgk jkT; ljdkj dk ;g lek/kku gk tk; fd lsok;ksu dh fy;s vkosnu djus dh fy;s fu;r le; lhek l fdlh fof'k"V ekeys esa vufpr dfBukbZ gksrh g ogk og vi{kkvksa dk ftUgs og ekeys esa U;k;ky;s ds le{k vkj lkE;ikn.k jhfr l dk;kgh djus dh fy;s vko';d le>s] vfHkeqDr ;k f'kfFkydj ldrh gA

½2½ ,slh ukdjh ;Fkk'kkD; mlh foHkkx esa nh tkuh pkfg;s ftlesa er ljdkjh lsod viuh eR;q ds iwo lsok;kftr FkkA

lfpoA

lq[;k 6@12@1973 ¼1½&dk&2@1993] rnfnukdA

ifrfyfi fuEufyf[kr dk lpukFk ,oa vko';d dk;kgh gsrq izf"kr&

1- leLr e.Myk;Dr ,oa ftykf/kdkjh] m0 i0A
2- lfpo] Jh jkT;iky] m0 i0A
3- lfpo] ykd lsok vk;kx] m0 i0] bykgkckn A
4- fucU/kd] mPp U;k;ky;] m0 i0] bykgkckn@y[kuÅA
5- vk;Dr] vufpr tkfr rFkk tutkfr] m0 i0] y[kuÅA
6- funs'kd] if'k{k.k ,oa lsok;kstu] m0 i0] y[kuÅA
7- leLr lykgdkjksa ds lpukFk mudk futh lfpoA
8- lfpoky; ds leLr vuHkkxA
9- lfpo] fo/kku lHkk@fo/kku ifj"kn] m0 i0] y[kuÅA

vkKk ls]

Mk0 th0 Mh0 ekg'ojh]

l;Dr lfpoA

mÙkj izn'k 'kklu
dkfeZd vuHkkx&2

l[;k&6@12@73&dk0&2@1994
y[kuÅ] fnukad % 21 vizSy] 1994

vf/klwpuk

i;kZoj.k

lfo/kku dh vuPNsn 309 ds ijUrqd }kjk çnÙk 'kfDr dk ç;ksx djds jkT;iky mÙkj izn'k] lokdky esa e'r ljdkjh lsodksa ds vkfJrksa dh HkrhZ fu;ekoyh] 1974 esa l'kks/ku djus dh nf"V ls fuEufyf[kr fu;ekoyh cukrs gSa %&

mÙkj izn'k lokdky esa e'r ljdkjh lsodksa ds vkfJrksa dh HkrhZ ¼prqFkZ l'kks/ku½ fu;ekoyh] 1994

1&lf{kIr uke vkSj izkjEHk&

¼1½ ;g fu;ekoyh mÙkj izn'k lokdky esa e'r ljdkjh lsodksa ds vkfJrksa dh HkrhZ ¼prqFkZ l'kks/ku½ fu;ekoyh] 1994 dgh tk;sxhA

¼2½ ;g rqjUr çoÙk gksxhA

2&fu;e&5 dk l'kks/ku&

mÙkj izn'k lokdky esa e'r ljdkjh lsodksa ds vkfJrksa dh HkrhZ fu;ekoyh] 1974 esa uhps LrEHk&1 esa fn;s x;s fu;e&5 ds LFkku ij LrEHk&2 esa fn;k x;k fu;e j[k fn;k tk;sxk] vFkkZr&

e'rd ds dSVsc ds fdlh lnL; dh HkrhZ	LrEHk&1 ¼orZeku fu;e½ 5&¼1½ ;fn bl fu;ekoyh ds izkjEHk gksus ds i'pkr fdlh ljdkjh lsod dh lokdky esa eR;q gks tk;s rks mlds dSVsc ds ,sls ,d lnL; dk tks dUæh; ljdkj ;k jkT; ljdkj ds vFkok dUæh; ljdkj ;k jkT; ljdkj ds LokfeRok/khu ;k mlds }kjk fu;f=r fdlh fuxe ds v/khu igys ls lok;kftr u gks] bl i;kstu ds fy;s vkosnu djus ij HkrhZ ds lkekU; fu;ekas dk f'kfFky djus gq;s] ljdkjh lok esa mi;qDr lok;kstu izkIr fd;k tk;sxk tks jkT; ykd lok vk;ksx ds {ks=kUrxZr u gks] ;fn ,sls 0;fDr& ¼,d½ in ds fy;s fofgr 'kf{kd vgZrk j[krk gks] ¼nks½ vU; izdkj ls ljdkjh lok ds fy;s vgZ gks] vkSj ¼rhu½ ljdkjh lsod dh eR;q ds fnukad ls ikp o"kZ ds Hkhrj lok;kstu ds fy;s vkosnu djrk gS %	e'rd ds dSVsc ds fdlh lnL; dh HkrhZ	LrEHk&2 ,sls }kjk izfrLFkkfir fu;e 5&¼1½ ;fn bl fu;ekoyh ds izkjEHk gksus ds i'pkr fdlh ljdkjh lsod dh lokdky esa eR;q gks tk;s rks mlds dSVsc ds ,sls ,d lnL; dk tks dUæh; ljdkj ;k jkT; ljdkj ds vFkok dUæh; ljdkj ;k jkT; ljdkj ds LokfeRok/khu ;k mlds }kjk fu;f=r fdlh fuxe ds v/khu igys ls lok;kftr u gks] bl i;kstu ds fy;s vkosnu djus ij HkrhZ ds lkekU; fu;ekas dk f'kfFky djus gq;s] ljdkjh lok esa ,sls in dk NksMdj] fdlh in ij mi;qDr lok;kstu izkIr fd;k tk;sxk tks jkT; ykd lok vk;ksx ds {ks=kUrxZr gks ;k tks igys mÙkj izn'k ykd lok vk;ksx ds {ks=kUrxZr Fkk vkSj mlls ckn esa mÙkj izn'k v/khuLFk lok p;u vk;ksx ds {ks=kUrxZr j[k fn;k x;k g] ;fn ,sls 0;fDr& ¼,d½ in ds fy;s fofgr 'kf{kd vgZrk,sa ijh djrk gks] ¼nks½ ljdkjh lok ds fy;s vU;Fkk vgZ gks] vkSj ¼rhu½ ljdkjh lsod dh eR;q ds fnukad ls ikp o"kZ ds Hkhrj lok;kstu ds fy;s vkosnu djrk gS %

LrEHk&1 ¼orekeu fu;e½	LrEHk&2 ,rn}kjk ifrLFkkfir fu;e
ijUrq tgk jkT; ljdkj dk ;g lek/kku gk tk; fd lqok;k tu dh fy;s vkosnu djus dh fy;s fu;r le; lhek ls fdlh fof'k"V ekeys esa vufpr dfBukbZ gksrh gS ogk og vi{kkvksa dk] ftUgs og ekeys esa U;k; lqxr vkj lkE;iw.kZ jhfr ls dk;Zokgh djus dh fy;s vko';d le>s] vfHkeqDr ;k f'kfFky dj ldrh gSA ¼2½ ,slh ukdkjh ;Fkk'kD; mlh foHkkx esa nh tkuh pkfg;s ftlesa er ljdkjh lqod viuh eR;q dh ikoh lqok;kftr FkkA	ijUrq tgk jkT; ljdkj dk ;g lek/kku gk tk; fd lqok;k tu dh fy;s vkosnu djus dh fy;s fu;r le; lhek ls fdlh fof'k"V ekeys esa vufpr dfBukbZ gksrh gS ogk og vi{kkvksa dk] ftUgs og ekeys esa U;k; lqxr vkj lkE;iw.kZ jhfr ls dk;Zokgh djus dh fy;s vko';d le>s] vfHkeqDr ;k f'kfFky dj ldrh gSA ¼2½ ,slk lqok;k tu] ;Fkk lHko] mlh foHkkx esa fn;k tkuk pkfg, ftlesa er ljdkjh lqod viuh eR;q dh ikoh lqok;kftr FkkA

lfpoA

lqi;k 6@12@73&dk0&2@94 ¼1½] rnfnukdA

ifrfyfi fuEufyf[kr dk lqpukFk ,oa vko';d dk;Zokgh gsrq izf"kr&

1- leLr e.Myk;Dr ,oa ftykf/kdkjh] mÙkj izn'kA
2- lfpo] Jh jkT;ikyu] mÙkj izn'kA
3- lfpo] ykd lqok vk;ksx] mÙkj izn'k] bykgkckndA
4- fucU/kd] mPp U;k;ky;] mÙkj izn'k] bykgkckn@y[kuÅA
5- vk;Dr] vuqlfpr tkfr rFkk tutkfr] mÙkj izn'k] y[kuÅA
6- fun'kd] if'k{k.k ,oa lqok;k tu] mÙkj izn'k] y[kuÅA
7- leLr ef=;ksa dh lqpukFk mudh futh lfpoA
8- lfpoky; dh leLr vuHkkxA
9- lfpo] fo/kku lHkk@fo/kku ifj"kn] mÙkj izn'k] y[kuÅA

vkKk lq]

Mk0 th0 Mh0 ekgs'ojh]
fo'ks"k lfpoA

mÙkjkpy 'kklu

dkfeZd foHkkx

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l[;k 849@dk&2@2002&pfd] mÙkj izn'k iquxZBu vf/kfu;e] 2000 dh /kkjk 87 d v/khu mÙkjkpy 'kklu] mÙkjkpy jkT; d lEcU/k e ykx fof/k dk] vkn'k }kjk] fujlu d :i e ;k l'kks/ku d :i e] ,l vuqdyu rFkk mikUrj dj ldrh g] tk vko';d o lehphu gk(

rFkk] pfd] mÙkj izn'k lokdky e e'er ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh] 1974] mÙkj izn'k iquxZBu vf/kfu;e] 2000 dh /kkjk 86 d v/khu mÙkjkpy jkT; e ykx g(

vr%] vc] mÙkj izn'k vf/kfu;e] 2000 ¼vf/kfu;e l[;k 29] lu 2000½ dh /kkjk 87 d v/khu 'kfDr;k dk i;kx djrs g, jkT;iky lg"k fun'k nr g fd mÙkj izn'k lokdky e e'er ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh] 1974 mÙkjkpy jkT; e fuEufyf[kr ifjo/kkuk d v/;/khu ykx jgxh %&

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¼1½ ;g fu;ekoyh mÙkjkpy ¼mÙkj çn'k lokdky e e'er ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh] 1974½ vuqdyu ,o mikUrj.k fu;ekoyh] 2002 dgyk;xhA

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2- ^^mÙkj izn'k** d LFkku ij ^^mÙkjkpy** i<k tkuk&

mÙkj izn'k lokdky e e'er ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh] 1974 e tgk&tgk 'kCn in ^^mÙkj izn'k** vk;k g] ogk&ogk ^^mÙkjkpy** i<k tk;xkA

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In pursuance of the provisions of clause (3) of Article 348 of the Constitution, the Governor is pleased to order the publication of the following English translation of notification **no. 849/ Ka-2/2002**, dated August 23, 2002 for general information :

August 23, 2002

No. 849/ Ka-2/2002--WHEREAS, under section 87 of the Uttar Pradesh Reorganisation Act, 2000, the Uttaranchal Government may, by order, make such adaptation and modification of the law, by way of repeal or amendment, as necessary or empedient;

AND, WHEREAS, The Uttar Pradesh Recruitment of Dependants of Government Servent Dying in Harness Rules, 1974 is inforce in the State of Uttaranchal under section 86 of the Uttar Pradesh Reorganisation Act, 2000;

NOW, THEREFORE, in exercise of the powers under section 87 of Uttar Pradesh Reorganisation Act, 2000 (Act No. 29 of 2000), the Governor is pleased to direct that the Uttar Pradesh Recruitment of Dependants of Government Servant Dying in Harness

Rules, 1974 will be inforce in Uttaranchal subject to the provisions of the following order :--

THE UTTARANCHAL (THE UTTAR PRADESH RECRUITMENT OF DEPENDANTS OF
GOVERNMENT SERVANT DYING IN HARNESS RULES, 1974)
ADAPTATION & AMENDMENT ORDER, 2002

1. Short title and Commencement--

(1) This order may be called the Uttaranchal (Uttar Pradesh Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974) Adaptation & Amendment Order, 2002.

(1) It shall come into force at once.

2. "Uttar Pradesh" shall be read as "Uttaranchal"--

In the Recruitment of Dependants of Government Servant Dying in Harness Rules, 1974 where ever the expression "Uttar Pradesh" occurs, It shall be read as "Uttaranchal".

By Order,

ALOK KUMAR JAIN,
Secretary.

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mÙkj çn'k lokdky e er ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh] 1974 ¼mÙkjkpy vuqdyu ,oa mikUrj.k vkn'k] 2004½ ¼çFke l'kkèku½] 2004

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mi;qZDr fo"k; ij eq>s ;g dguk dk funs'k gqvk gS fd ik;% ,slk lUnHkZ ikdlr gksk jgk gS] ftuesa lsokdky esa eSj ljdkjh lsodksa dh vkfJrksa dh HkrhZ fu;ekoyh] 1974 dh iko/kkuksa dh vUrxZr erd ljdkjh lsod dh dVSEc dh lnL; }kjk fu;ekoyh esa fu/kkfjr vkosu dh 5 o"kZ dh vof/k dh ckn vkosu fd;k tkrk gS rFkk fu;ekoyh dh fu;e 5 ¼1½ ¼rhu½ dh ijUrqd esa jkT; ljdkj dks inÙkj 'kfDr;ksa dk mi;ksx djds vkosu djus dh vof/k esa f'kfFkyhdj.k djds fu;fDr inksu djus dk vuqjks/k fd;k tkrk gSA bu ekeyksa esa foyEc dk dkj.k eSj ljdkjh lsod dh i=@ifj=;ksa dh ljdkjh lsod dh eR;q dh le; vo;Ld gksuk rFkk mudh }kjk o;Ld gksus ij vkosu djkuk crk;k tkrk gSA dkfeZd foHkkx }kjk 'kklukns'k la[;k 225@dkfeZd&2@2002] fnukad 08&02&2002 }kjk esjd ljdkjh lsodksa dh vkfJrksa dk fu;fDr inksu djus dh lEcU/k esa ekxZn'kZd fu;e Li"V fd;s x;s FkA

¼1½ eSj ljdkjh lsod dh dVSEc dh fdlh lnL; dh HkrhZ dh fy, ;g vko';d gS fd eSj ljdkjh lsod dh ifjokj dh] ljdkjh lsod dh eR;q ij vkfFkZd fLFkfr ,slh gks x;h gks] fd ifjokj dk xtkjk ifjokj dh ,d lnL; dk fu;fDr fn;s fcuk ugha gks ldxkA

¼2½ eSj ljdkjh lsod dh ifjokj dh lnL;ksa dk fu;fDr ikuk fofgr vf/kdkj ugha gS] ftldk Hkfo"; esa Hkh mi;ksx fd;k tk ldsA ;g vpkud vk;h foink ls ifjokj dks mcjus dh fy, rFkk xtkjs dk lkèku miyC/k djk;s tkus dh nf"V ls ljdkj dh vkj ls vuqEikr gS ftls ;Fkk'kD; vfoyEc eSjd ljdkjh lsod dh ifjokj dks inku fd;k tkuk pkfg,A fu;ekoyh esa fu/kkfjr vof/k dh ckn fu;fDr inku fd;k tkuk mfpr fLFkfr ugha gSA

2&eSj ljdkjh lsod dh dVSEc dh lnL; }kjk fu;fDr inku djus dh fy, 5 lky dh vof/k dh ckn fn;s x;s vkosu&i=ksa esa fu;ekoyh dh fu;e 5 ¼1½ ¼rhu½ dh ijUrqd ^^ijUrq tgk jkT; ljdkj dk ;g lek/kku gks tk; fd lsok;ksa dh fy;s vkosu djus dh fy;s fu/kkfjr le; lhek ls fdlh fof'k"V ekeys esa vufpr dfBukbZ gksrh g] ogk og vi{kkvksa dk] ftUgs og ekeys esa U;k; lxr vkj lkE;ifr jfr ls dk;Zokgh djus dh fy;s vko';d le>s] vH;fDr;ksa f'kfFky dj ldrs gS** esa inÙkj 'kfDr dk mi;ksx fd;s

tku gr fuonu fd;k tkrk gA fu;e 5 ¼1½ ¼rhu½ d ijUrqd e jkT; ljdkj dk inÙk dh xb 'kfDr;k vlhe ugh g] bu 'kfDr;k dk mi;kx djd fu;e 5 ¼1½ ¼rhu½ e fu/kkfjr 5 o"k d Hkhrj dh vof/k dk foLrkj ;Fkk vko';drk ugh c<k;k tk ldrk gA ;g 'kfDr;k fdlh fof'k"V ekey e vufpr dfBukb d U;k; lxr vkj lkE;ik.k jhfr l fujkdj.k dju dh 'kfDr;k gA ftud }kjk ljdkjh lod dh eR; d fnu l 5 o"k d Hkhrj vkonu dju dh le; lhek dk /;ku e j[kr g, ekey e mRiUu vufpr dfBukb;k dk fujkdj.k fd;k tkuk gA fu;ekoyh d fu;e 5 ¼1½ ¼rhu½ e fu/kkfjr vkonu dju dh 5 o"k dh vof/k dk foLrkj bl vk/kkj ij ugh fd;k tk ldrk g fd ljdkjh lod dh eR; d le; mld i=@i=h vo;Ld Fkh vkj o;Ld gku d ckn mud }kjk 5 o"k dh vof/k d ckn vkonu fd;k tk jgk gA e'r ljdkjh lod d i=@i=h vkonu dju d 5 o"k dh vof/k d ckn ,d ;k nk llrkg e viuh U;ure vk; ikIr dj jg g@jgh g] vFkok yEch chekjh d dkj.k fu/kkfjr vkonu dju dh 5 o"k dh vof/k e dN llrkgk dk foyEc gk x;k vkj vkonu ugh fd;k tk ldk rFkk mijkDr dkj.kk d lkFk ifjokj dh vkfFkd fLFkfr Hkh ,lh ugh g fd e'rd ljdkjh lod d ifjokj dk xtkjk gk ik jgk gk rFkk mld ifjokj dk dkbZ vU; lnL; lok;kftr u gk ;k 0;olk; u dj jgk gkA ,l ekey e jkT; ljdkj dfBukb;k d fujkdj.k dh inÙk 'kfDr dk mi;kx djd vkonu dh vof/k dk f'kfFky dj ldrh gA vkonu dju e yEch chekjh ;k vU; fdlh n?kVuk d dkj.k gvk lk{e foyEc ftle ifjokj d lnL; d fu;=.k e ifjfLFkfr;k ugh jgh] ,l ekeyk dk fopkj d fy, fy;k tk ldrk gA fu;e d bl iko/kku dk iuZ nkgjk;k tkuk g fd ijUrqd d v/khu inÙk 'kfDr dk mi;kx lkekU; :i e] vkonu dh fu/kkfjr vof/k ^^5 o"k d Hkhrj** dk yEc le; dk foLrkj nu d fy, ugh fd;k tk ldrk gA

3&'kklu d foHkkxk e ikIr gk jg lUnHkk e mijkDrku lkj ;g ijh{k.k dj fy;k tkuk pkfg, fd e'r ljdkjh lod d dVEc d lnL; }kjk ljdkjh lod dh eR; d 5 o"k d Hkhrj vkonu fd;k x;k gA foyEc bruk l{e ,o viokfnd g rFkk vof/k f'kfFkyhdj.k d fy, i;kIr ,o lefpr vkfpR; miyC/k g] ft l fu;e 5 ¼1½ ¼rhu½ d ijUrqd d vUrxZr inÙk 'kfDr;k e f'kfFky fd;k tk ldrk gA

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mi;qDr fo"k; ij e> ;g dgu dk funs'k gqvk g fd 'kkluk n's'k l[;k 1747@dkfed&2@2002] fnukd 31 fnlEcj] 2002 }kjk lHkh foHkkxk dk voxr djk;k x;k Fkk fd lokdky e erd ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh d fu;e 5 ¼1½ ¼rhu½ d ijUrqd d v/khu vkonu dju dh le;kof/k e ;fn dkbZ f'kfFkyhdj.k okNuh; gk rk i'kldh; foHkkx }kjk iLrko dkfed foHkkx@e[; lfpo d ek/;e l foHkkxh; e=h th ,o ek0 e[;e=h th d vuqeknukFk iLrqr fd;k tk;xkA ijUrq dfri; ekeys lKku e vk;k g fd e erd ljdkjh lodk d vkfJrk dh Hkrh fu;ekoyh d fu;e 5 ¼1½ ¼rhu½ d ijUrqd d v/khu f'kfFkyhdj.k d fy, ek0 e[;e=h th dk iLrko Hkstk tku l io i=koyh dkfed foHkkx rFkk e[; lfpo dk iLrqr ugh gqbZ gA mijkDr fLFkfr d dkj.k i'kkfud tfVyrk,a mRiUu gkus dh lEHkkouk cuh jgrh gA

2&bl lEcU/k e lE;d fopkjkijkUr ;g fu.k; fy;k x;k g fd 'kkluk n's'k l[;k 1747@dkfed&2@2002] fnukd 31 fnlEcj] 2002 e fu/kkfjr 0;oLFkk l fHkUu :i e ;fn fdUgh ifjfLFkfr;k e f'kfFkyhdj.k d vkn'k ikIr fd;k x;k gk] rc lEcfU/kr foHkkx }kjk 'kkluk n's'k fuxr dju dh dk;okgh l io lEcfU/kr i=koyh dkfed foHkkx d ek/;e l e[; lfpo dk vo'; iLrqr dh tk;A

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e'rd ljdkjh lod d vkfJr ifjokj d lnL; dk lok;k tu inku dju d lEcU/k e 'kkluk n'k l[;k 225@dkfed&2@2002] fnukd 08 Qjojh] 2002 }kjk ;g Li"V fd;k x;k Fkk fd ;g lok;k tu vpkud vk;h foink l vkfJr ifjokj dk mcju d fy, rFkk x tkj dk lk/ku miyC/k djk; tku d fy, fn;k tkrk gA ljdkjh lod dh eR; d yEc le; ckn vkfJr ifjokjk d lnL;k dk lok;k tu inku fd;k tkuk mfpr ugh gA bl lEcU/k e i[;kfir fu;ekoyh d fu;e 5 ¼1½ ¼rhu½ d vUrxr e'rd ljdkjh lod vkfJr ifjokj d lnL; dk ljdkjh lod dh eR; d 05 o"k d vUnj vkonu djuk g] ijUr ,sl idj.k vHkh Hkh iLrqr gk jg g] ftuesa mijkDr fu;e d ijUrqd d iko/kku d vUrxr ljdkjh lod dh eR; d le; vkfJr ifjokj d vo;Ld lnL; dk vkonu dju d 05 o"k dh vof/k 0;rhr gku d yEc vUrjky d ckn o;Ld gku ij lok;k tu gr vkonu dju dh vof/k e f'kfFkyhdj.k inku dju gr vujk/k fd;k tkrk gA mijkDr fu;e d ijUrqd d iko/kku d lEcU/k e Li"Vhdj.k 'kkluk n'k l[;k 1162@dk&2@2002] fnukd 23 vxLr] 2002 l ;g Li"V fd;k x;k Fkk fd ijUrqd dh 'kfDr;k cgr gh vYi vof/k dh foyEc dk vie'ku d fy, gA ljdkjh lod dh eR; l yEc le; 0;rhr gku d ckn vkfJr ifjokj d lnL; dk lok;k tu iku dk vf/kdkj ugh jg tkrk gA bl lEcUèk e ekuuh; mPpre U;k;ky; d fofHkUu fu.k;k d m)j.k lyXu fd; tk jg g ;Fkk ¼1998½&5 ,l0lh0lh0&192 Mk;jDVj vkQ ,td'ku cuke i"iUæ dekj ,o vU;] ¼1996½ ;0ih0,y0ch0 lg&843 gfj;k.kk LVV byfDVhflVh ckM] uj'k doj ,o vU;] ¼1996½&,d&,l0lh0lh0&301 txnh'k inkn cuke LVV vkQ fcgkj vkj vU;] ,0Vh0&2000 ¼10½ ,l0lh0&156 l t; dekj cuke LVV fcgkj o vU;A

2&;g n[kk x;k g fd e'rd ljdkjh lod vkfJr lok;k tu fu;ekoyh d fu;e 6 e ftl inkj l vkonu dju d fy, dgk x;k g] ml inkj l vkonu ugh fd;k tk jgk g] vkj vkonu&i= e fo"k; ij fopkj d fy, i.k lpuk ugh gkrh g] ftl inj.k d fuLrkj.k e foyEc gkrk gA

3&e> ;g dgu dk fun'k gvk g fd ek0 mPpre U;k;ky; d fu.k;k d vulkj mUgh ekeyk dk f'kfFkyhdj.k d fy, lnHk fd;k tk; tk mijkDr fu;e d ijUrqd l iko/kkfur g rFkk fu;e 6 d vUrxr vkonu&i= e iko/kkfur lpuk; lkFk e miyC/k djk; tk;A

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3- xkM Qkby gr A

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(1994) 4 Supreme Court Cases 138 Umesh Kumar Nagpal *Versus* State of Haryana and Others :

The whole object of granting compassionate employment is to enable the family to tide over the sudden crisis. The object is not to give a member of such family a post much less a post for post held by the deceased. What is further, mere death of an employee in harness does not entitle his family to such source of livelihood. The Government or the public authority concerned has to examine the financial condition of the family of the deceased, and it is only if it is satisfied, that but for the provision of employment, the family will not be able to meet the crisis that a job is to be offered to the eligible member of the family. The posts in Classes III and IV are the lowest posts in non-manual and manual categories and hence they alone can be offered on compassionate grounds, the object being to relieve the family, of the financial destitution and to help it get over the emergency.

Offering compassionate employment as a matter of course irrespective of the financial condition of the family of the deceased and making compassionate appointments in posts above Classes III and IV, is legally impermissible.

Compassionate employment cannot be granted after a lapse of a reasonable period which must be specified in the rules. The consideration for such employment is not a vested right which can be exercised at any time in future. The object being to enable the family to get over the financial crisis which it faces at the time of the death of the sole breadwinner, the compassionate employment cannot be claimed and offered whatever the lapse of time and after the crisis is over.

As a rule, appointments in the public services should be made strictly on the basis of open invitation of applications and merit. Not other mode of appointment nor any other consideration is permissible. Neither the Governments nor the public authorities are at liberty to follow any other procedure or relax the qualifications laid down by the rules for the post. However, to this general rule which is to be followed strictly in every case, there are some exceptions carved out in the interests of justice and to meet certain contingencies. One such exception is in favour of the dependants of an employee dying in harness and leaving his family in penury and without any means of livelihood.

AIR 1996 Supreme Court 2445 State of Haryana and Others V. Rani Devi and Another :

So far as the facts of the present case are concerned, we fail to appreciate as to how the High Court directed that the respondents aforesaid be appointed on compassionate ground when admittedly the respective husbands of the respondents were working as Apprentice Canal Patwaris for the periods mentioned above. If the scheme regarding appointment on compassionate ground is extended to all sorts of casual, ad hoc employees including those who are working as Apprentices, then such scheme cannot be justified on constitutional grounds. It need not be pointed out that appointments on compassionate grounds, are made as a matter, of course, without even requiring the person concerned to face any Selection Committee. In the case of Umesh Kumr Nagpal V. State of Haryana (1994 AIR SCW 2305 at p. 2309) (Supra), it was said :

"It is obvious from the above observations that the High Court endorses the policy of the State Government to make compassionate appointment in posts equivalent to the posts held by the deceased employees and above class III and IV. It is unnecessary to reiterate that these observations are contrary to law. If the dependant of the decesed employee finds it below his dignity to accept the post offered, he is free not to do so, the post is not offered to cater to his status but to see the family through the economic calamity."

It was also impressed that appointments on compassionate ground cannot be made after lapse of reasonable period which must be specified in the rules because the right to such employment is not a vested right which can be exercised at any time in future.

According to us, when the aforesaid Government order, dated 31-10-1985 extends the benefit of appointment to one of the dependants of the 'deceased employee' the expression 'employee' does not conceive casual or purely ad hoc employee or those who are working as apprentices. Accordingly the appeals are allowed and the impugned orders on the two writ petitions, filed on behalf of the respondents are set aside. In the facts and circumstances of the case, there shall be no order as to costs. Appeals allowed.

(1996) 1 Supreme Court Cases 301 Jagdish Prasad V. State of Bihar and Another :

The very object of appointment of a dependent of the deceased employees who die in harness is to relieve unexpected immediate hardship and distress caused to the family by sudden demise of the earning member of the family. Since the death occurred way back in 1971, in which year the appellant was four years' old, it can not be said that he is entitled to be appointed after he attained majority long thereafter. In other words, if that contention is accepted, it amounts to another mode of recruitment of the dependent of a deccased Government servant which cannot be encouraged, dehors the recruitment rules.

Supreme Court (1996) 2 UPLBEC 843 Haryana State Electricity Board V. Naresh Tanwar and Another :

Service-Appointment on compassionate ground is exception to general rules of emplyment. It is intended to provide immediate monetary relief to family of deceased Government officer and is reasonable. In the instant matter application for appointment of sons of deceased employee were made about 12 years after the death by son who were minor at time of death. High Court committed error of law in giving direction for appointing the applicant in both matters. Giving appointment of compassionate ground after 12 years of death. Frustrates the very object of such appointment. Direction of High Court-unsustainable.

The very object of appointment of dependent of deceased-employee who died in harness is to relieve immediate hardship and distress caused to the family by sudden demise of the earning member of the family and such consideration cannot be kept binding for years. Compassionate appointment cannot be granted after a long lapse a reasonable period and the very purpose of compassionate appointment, as an exception to the general rule of open recruitment, is intended to meet the immediate financial problem being suffered by the members of the family of the deceased employee (Para 9).

The principle of compassionate appointment is not only reasonable but consistent with the principle of employment in Government and public sector.

(1998) 5 Supreme Court Cases 192 Director of Education (Secondary) and Another V. Pushpendra Kumar and Others :

A. Service Law-compassionate appointment-Purpose of Explained--Further held, such appointment is made in departure of prescribed procedure of appointment-It has therefore to be ensured that a provision for grant of compassionate appointment does not unduly interfere with the right of other persons who are eligible for appointment against the posts which would have been available to them, but for the provision for compassionate appointment. Else that would be violative of the equality clause. Recruitment Process--Open market candidates *vis-a-vis* compassionate appointees-Statute Law-Exception to main rule--How to be applied-Inerpretation of Statutes--Inernal aids-proviso-Interpretation of --Constitution of India, Arts. 14 and 16,

B. Service Law-Compassionate appointment-Held, cannot be insisted upon for a particular post-Relevant regulation containing provision for "appointment to a non-teaching pot..if (the person seeking appointment) possesses requisite educational qualifications prescribed for the post and is otherwise suitable for appointment" on compassionate grounds-Held, appointment on class IV post could be offered if class III post was not available--High court's direction for creating a supernumerary class III post cannot be upheld. If necessary only a supernumerary class IV post can be created--U.P. Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974-U.P. Intermediate Education Act, 1921 (2 of 1921), s. 9 (4)-Regulations framed thereunder, Regns. 101 to 107.

उत्तराखण्ड शासन,
कार्मिक अनुभाग–2,
संख्या–275/XXX–2/17/55(21)/2002 टी.सी.2
देहरादून : दिनांक 18 अक्टूबर, 2017

अधिसूचना

विविध

राज्यपाल "भारत का संविधान" के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्ति का प्रयोग करके, उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों की भर्ती नियमावली, 1974 (उत्तरांचल अनुकूलन एवं उपान्तरण आदेश, 2002) को संशोधित करने की दृष्टि से निम्नलिखित नियमावली बनाते हैं:–

उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों की भर्ती नियमावली, 1974 (उत्तरांचल अनुकूलन एवं उपान्तरण आदेश, 2002) (द्वितीय संशोधन) नियमावली, 2017

1. संक्षिप्त नाम और प्रारम्भः–

(1) इस नियमावली का संक्षिप्त नाम उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों की भर्ती नियमावली, 1974 (उत्तरांचल अनुकूलन एवं उपान्तरण आदेश, 2002) (द्वितीय संशोधन) नियमावली, 2017 है।

(2) यह तुरन्त प्रवृत्त होगी।

नियम 2(ग) का संशोधनः–

2 (ग) उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों की भर्ती नियमावली, 1974 (उत्तरांचल अनुकूलन एवं उपान्तरण आदेश, 2002) में नीचे स्तम्भ–1 में दिये गये वर्तमान खण्ड (ग) के स्थान पर स्तम्भ–2 में दिया गया खण्ड रख दिया जायेगा, अर्थात्–

स्तम्भ–1	स्तम्भ–2
(वर्तमान खण्ड)	(एतद्द्वारा प्रतिस्थापित खण्ड)
"कुटुम्ब" के अन्तर्गत मृत सरकारी सेवक के निम्नलिखित सम्बन्धी होंगे:– **(1) पत्नी या पति;** **(2) पुत्र;** **(3) अविवाहित पुत्रियाँ तथा विधवा पुत्रियाँ।** **(4) मृत सरकारी सेवक पर निर्भर अविवाहित भाई, अविवाहित बहन और विधवा माता, यदि मृत सरकारी सेवक अविवाहित था।**	**"कुटुम्ब" के अन्तर्गत मृत सरकारी सेवक के निम्नलिखित सम्बन्धी होंगे:–** **(1) पत्नी या पति;** **(2) पुत्र;** **(3) अविवाहित पुत्रियाँ, विधवा पुत्रियाँ तथा तलाकशुदा पुत्रियाँ।** **(4) मृत सरकारी सेवक पर निर्भर अविवाहित भाई, अविवाहित बहन और विधवा माता, यदि मृत सरकारी सेवक अविवाहित था।**

आज्ञा से,

(राधा रतूड़ी)
प्रमुख सचिव

In pursuance of the provisions of Clause(3) of Article 348 of the Constitution of India the Governor is pleased to order publication of the following English Translation of Notification No. २75/XXX-2/17/55(21)/2002TC II dated 18 October, 2017

Government of Uttarakhand
Personnel Section-2
No.२75 /XXX-2/17/55(21)/2002TC II
Dehradun:Dated : 18 October, 2017

Notification

Miscellaneous

In exercise of the powers conferred by the proviso to Article 309 of the Constitution of India, the Governor is pleased to make the following rules with a view to further amend the Uttar Pradesh Recrutiment of Dependants of Government Servants dying in Harness Rules, 1974 (Adaptation and Modification) order, 2002 in relation to the State of Uttarakhand:-

Short Title and Commencement

1.(1)These rules may be called The Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 (Adaptation and Modification) order, 2002 (Second Amendment) Rules, 2017.

(2)They shall come into force at once.

Amendment of Rule 2(c)

2. In the Uttar Pradesh Recruitment of Dependants of Government Servants Dying in Harness Rules, 1974 (Adaptation and Modification) order, 2002 (Amendment) Rules, for the existing clause (c) of rule 2, set out in Column 1 below, the clause as set out in Column 2 shall be substituted, namely:

Column 1	**Column 2**
(Existing clause)	**Rule as hereby substituted**
"Family" of a Deceased Government Servant dying in harness includes the following members:- (1) Wife or husband (2) Son (3) Unmarried daughters and widow daughters (4) Unmarried brother, unmarried sister and widow mother dependent on deceased Government servant, if in case the deceased Government Servant was unmarried.	"Family" of a Deceased Government Servant dying in harness includes the following members:- (1)Wife or husband (2)Son (3)Unmarried daughters, widow daughters and divorced daughters. (4)Unmarried brother, unmarried sister and widow mother dependent on deceased Government servant, if in case the deceased Government Servant was unmarried.

by order,

(Radha Raturi)
Principal Secertary

संख्याः– 154/xxx (2)/2015–55(08)/2002

प्रेषक,

राधा रतूडी,
प्रमुख सचिव,
उत्तराखण्ड शासन।

सेवा में,

1. समस्त प्रमुख सचिव/सचिव/प्रभारी सचिव,
   उत्तराखण्ड शासन।
2. समस्त मण्डलायुक्त/जिलाधिकारी,
   उत्तराखण्ड।
3. समस्त विभागाध्यक्ष एवं कार्यालयाध्यक्ष,
   उत्तराखण्ड।

कार्मिक अनुभाग–2 देहरादून : दिनांक 16 अप्रैल, 2015

विषयः– राज्य कर्मचारियों के मृतक आश्रितों को सेवायोजित किये जाने के सम्बन्ध में।

महोदय,

उपर्युक्त विषय पर मुझे यह कहने का निदेश हुआ है कि उत्तरांचल (उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों के भर्ती नियमावली, 1974) अनुकूलन एवं उपान्तरण आदेश, 2002 (समय–समय पर यथासंशोधित) द्वारा सरकारी सेवक के सेवाकाल में मृत हो जाने की दशा में मृत सरकारी सेवक के परिवार के सदस्य को नियमानुसार राज्य लोक सेवा आयोग की परिधि के बाहर के पदों (यथा समूह 'ग' एवं 'घ') पर सेवायोजन प्रदान किये जाने की व्यवस्था की गयी है।

2. इस संबंध में वित्त विभाग द्वारा शासनादेश संख्या 877 XXVII(7) च0श्र0/2011 दिनांक 24–03–2011 के माध्यम से समूह 'घ' के पदों को मृत संवर्ग घोषित किया गया, तदोपरान्त वित्त विभाग द्वारा शासनादेश संख्या 63 XXVII(7) 27(8)/2011 दिनांक 05–07–2011 के द्वारा इस सम्बन्ध में स्पष्टीकरण जारी किया गया, कि वित्त विभाग के शासनादेश दिनांक 24–03–2011 के द्वारा समूह 'घ' के पदों को मृत संवर्ग घोषित करने के सम्बन्ध में की गयी व्यवस्था, उत्तराखण्ड (उत्तर प्रदेश सेवाकाल में मृत सरकारी सेवकों के आश्रितों के भर्ती नियमावली, 1974) अनुकूलन एवं उपान्तरण आदेश, 2002 के अन्तर्गत समूह 'घ' के पदों पर की जाने वाली नियुक्तियों के सम्बन्ध में लागू नहीं होगी।

3. शासन के सज्ञांन में यह तथ्य आया है कि वित्त विभाग द्वारा जारी शासनादेश दिनांक 24–3–2011 के सम्बन्ध में समूह 'घ' के पदों पर मृतक आश्रितों के सम्बन्ध में पुनः शासनादेश दिनांक 5–7–2011 द्वारा स्पष्टीकरण जारी करने के पश्चात भी कतिपय विभागों द्वारा अभी भी समूह 'घ' के पदों पर नियुक्ति हेतु योग्यता रखने वाले मृतक आश्रितों को समूह 'घ' का पद मृत संवर्ग होने के कारण नियुक्ति नहीं दी जा रही है। जबकि वास्तविक स्थिति यह है कि मृतक आश्रितों के भर्ती नियमावली 1974 के अन्तर्गत समूह 'घ' के पद पर नियुक्ति करने के लिए मृत संवर्ग घोषित होने वाला वित्त विभाग का शासनादेश लागू नही है।

4. अतः इस सम्बन्ध में पुनः यह स्पष्ट किया जाता है कि वित्त विभाग के शासनादेश दिनांक 24–3–2011 द्वारा घोषित समूह 'घ' के पद के लिए उत्तर प्रदेश मृतक आश्रित भर्ती नियमावली 1974 अनुकूलन एवं उपान्तरण आदेश 2002 के अन्तर्गत समूह 'घ' के पद पर किसी मृतक आश्रित के समूह 'घ' के लिए पात्र होने पर नियुक्ति हेतु डाईग कैडर नहीं माना जायेगा, बल्कि समूह 'घ' के लिए पात्र होने की दशा में मृतक आश्रित को समूह 'घ' के पद पर नियुक्ति प्रदान की जायेगी, और इस सीमा तक समूह 'घ' का संवर्ग पुनर्जीवित माना जायेगा।''

5. कृपया उपरोक्त निर्देशो का अनुपालन सुनिश्चित करने का कष्ट करें।

भवदीय,

(राधा रतूडी)
प्रमुख सचिव

संख्या /XXX(2)/2015–55(08)2002 तद्दिनांक

प्रतिलिपि निम्नलिखित को सूचनार्थ एवं आवश्यक कार्यवाही हेतु प्रेषितः–

1. मुख्य स्थानिक आयुक्त , उत्तराखण्ड, नई दिल्ली।
2. सचिव, विधान सभा, उत्तराखण्ड।
3. सचिव, श्री राज्यपाल, उत्तराखण्ड, देहरादून।
4. महानिदेशक, सूचना विभाग , उत्तराखण्ड देहरादून।
5. अधिशासी निदेशक, एन0आई0सी, सचिवालय परिसर, देहरादून।
6. सचिवालय, के समस्त अनुभाग।
7. प्रभारी मीडिया सेन्टर, सचिवालय परिसर, देहरादून।
8. गार्ड फाईल।

आज्ञा से,

(रमेश चन्द्र लोहनी)
अपर सचिव।